

1. *"...[S]teganographic technique was generally known at the time of Tow's invention (see col 1, lines 41-58), detailed descriptions of this technique would not be required to enable the teaching" and*
2. *"[P]atents are presumed to be valid until proven otherwise by the courts. The examiner is not required to show that a patent is valid or enabling."*

To the first point, applicant would respectfully note that the prior art techniques cited by Tow are not steganographic techniques. Instead, the prior art discussed by Tow is of the bar code variety (*see, e.g., col. 1, line 47*). Such prior work would not enable an artisan to practice steganographic techniques without undue experimentation.

(Reference was made in the last line of Tow's column 1 to "glyphs." In recent years, glyph technology has sometimes been adapted to steganographic uses, e.g., halftone printing of images, with the halftone dots having one of two angular orientations to encode binary data, as shown in Xerox patent 6,081,345. However, the use of this single word "glyphs" in Tow's 1990 filing is not believed to have taught - or enabled - any steganographic technique.)

To the second point, applicant would respectfully observe that Tow is not a U.S. Patent. It is a European published application. Although the application was based on an earlier U.S. patent filing, neither the U.S. application, nor the European application, matured into a granted patent.

Accordingly, applicant respectfully submits that Tow must be evaluated by the Examiner for enablement without regard to any presumption of validity. For the many reasons earlier detailed, Tow's disclosure is insufficient to enable an artisan to practice Tow's technique without undue experimentation.

In view of the foregoing, favorable reconsideration and passage to issuance are solicited.

Date: December 19, 2003

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Respectfully submitted,

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